

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN MONTUE,

Plaintiff,

No. CIV S-02-0638 FCD KJM P

vs.

EDWARD ALAMEIDA, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

Plaintiff is a state prison inmate proceeding pro se with a civil rights action under 42 U.S.C. § 1983, in which he alleges prison officials at California State Prison Folsom enacted policies that exacerbated racial and ethnic tensions among inmates.

On August 29, 2005, plaintiff filed a motion for a preliminary injunction, seeking to enjoin prison officials at the California Medical Facility from transferring him and to compel them to provide certain treatment. The individuals against whom he seeks to proceed are not named as defendants in this action. This court is unable to issue an order against individuals who are not parties to a suit pending before it. See Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100, 112 (1969).

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1 Accordingly, IT IS HEREBY RECOMMENDED that plaintiff's August 29, 2005
2 request for a preliminary injunction be denied.

3 These findings and recommendations are submitted to the United States District
4 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty
5 days after being served with these findings and recommendations, any party may file written
6 objections with the court and serve a copy on all parties. Such a document should be captioned
7 "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections
8 shall be served and filed within ten days after service of the objections. The parties are advised
9 that failure to file objections within the specified time may waive the right to appeal the District
10 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

11 DATED: October 20, 2005.

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14 UNITED STATES MAGISTRATE JUDGE
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